

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 115

A bill to amend 2003 PA 226, entitled
"Joint municipal planning act,"
by amending the title and sections 3, 5, and 7 (MCL 125.133,
125.135, and 125.137).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for joint land use planning and ~~the joint~~
3 ~~exercise of certain zoning powers and duties~~ **ZONING** by local units
4 of government; and to provide for the establishment, powers, and
5 duties of joint planning commissions and zoning boards of appeals.

6 Sec. 3. As used in this act:

7 (a) "Municipality" means a city, village, or township.

8 (b) "Participating" means, with respect to a municipality,
9 that the municipality is a member of a joint planning commission.

10 ~~—— (c) "Planning act" means either of the following acts:~~

~~1 (i) 1931 PA 285, MCL 125.31 to 125.45, if a city or village is
2 a participating municipality or a township whose planning
3 commission was created under that act is a participating
4 municipality.~~

~~5 (ii) 1959 PA 168, MCL 125.321 to 125.333, if a township whose
6 planning commission was created under that act is a participating
7 municipality.~~

8 (C) ~~(d)~~ "Registered elector of the municipality" means a
9 registered elector residing in the municipality or, if the
10 municipality is a township, a registered elector residing in the
11 portion of the township outside the limits of ~~cities and villages~~
12 **ANY VILLAGE.**

~~13 (e) "Zoning act" means either of the following:~~

~~14 (i) The city and village zoning act, 1921 PA 207, MCL 125.581
15 to 125.600, if a city or village is a participating municipality.~~

~~16 (ii) The township zoning act, 1943 PA 184, MCL 125.271 to
17 125.310, if a township is a participating municipality.~~

18 Sec. 5. (1) Subject to section 9, the legislative bodies of 2
19 or more municipalities may each adopt an ordinance approving an
20 agreement establishing a joint planning commission. The agreement
21 shall specify at least all of the following:

22 (a) The composition of the joint planning commission,
23 including any alternate members.

24 (b) The qualifications, the selection by election or
25 appointment, and the terms of office of members of the joint
26 planning commission.

27 (c) Conditions and procedures for removal from office of

1 members of the joint planning commission and for filling vacancies
2 in the joint planning commission.

3 (d) How the operating budget of the joint planning commission
4 will be shared by the participating municipalities.

5 (e) The jurisdictional area of the joint planning commission,
6 which may consist of all or part of the combined territory of the
7 participating municipalities.

8 (f) Procedures by which a municipality may join or withdraw
9 from the joint planning commission.

10 ~~(g) The planning act whose procedure will be followed by the~~
11 ~~joint planning commission in adopting a plan or exercising any~~
12 ~~other power or performing any other duty of a planning commission.~~
13 ~~The planning act shall be a planning act that would otherwise be~~
14 ~~applicable to at least 1 participating municipality.~~ **FOR SITUATIONS**
15 **IN WHICH THE POWERS, DUTIES, OR PROCEDURES OF A PLANNING COMMISSION**
16 **UNDER THE MICHIGAN PLANNING ENABLING ACT, 2008 PA 33, MCL 125.3801**
17 **TO 125.3885, DEPEND ON WHETHER THE MUNICIPALITY IS (i) A TOWNSHIP**
18 **THAT ON SEPTEMBER 1, 2008 HAD A PLANNING COMMISSION CREATED UNDER**
19 **FORMER 1931 PA 285, (ii) A TOWNSHIP THAT DID NOT ON SEPTEMBER 1,**
20 **2008, HAVE A PLANNING COMMISSION CREATED UNDER FORMER 1931 PA 285,**
21 **OR (iii) A CITY OR VILLAGE -- A DESIGNATION OF WHICH OF THESE 3**
22 **CATEGORIES OF MUNICIPALITIES' POWERS, DUTIES, AND PROCEDURES WILL**
23 **BE APPLICABLE TO THE JOINT PLANNING COMMISSION. A CATEGORY OF**
24 **MUNICIPALITY SHALL NOT BE DESIGNATED UNDER THIS SUBDIVISION UNLESS**
25 **AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES FALLS WITHIN THAT**
26 **CATEGORY.**

27 (h) ~~The zoning act whose procedure will be followed by the~~

~~joint planning commission in exercising the powers and performing the duties of a zoning board or zoning commission. The zoning act shall be a zoning act that would otherwise be applicable to at least 1 participating municipality.~~ FOR SITUATIONS IN WHICH THE POWERS, DUTIES, OR PROCEDURES UNDER THE MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO 125.3702, APPLICABLE TO A PLANNING COMMISSION DEPEND ON WHETHER THE MUNICIPALITY IS A TOWNSHIP OR IS A CITY OR VILLAGE, A DESIGNATION EITHER THAT THE POWERS, DUTIES, AND PROCEDURES APPLICABLE TO A TOWNSHIP WILL BE FOLLOWED BY THE JOINT PLANNING COMMISSION OR THAT THE POWERS, DUTIES, AND PROCEDURES APPLICABLE TO A CITY OR VILLAGE WILL BE FOLLOWED BY THE JOINT PLANNING COMMISSION. POWERS, DUTIES, AND PROCEDURES APPLICABLE TO A TOWNSHIP SHALL NOT BE DESIGNATED UNLESS AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES IS A TOWNSHIP. POWERS, DUTIES, AND PROCEDURES APPLICABLE TO A CITY OR VILLAGE SHALL NOT BE DESIGNATED UNLESS AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES IS A CITY OR VILLAGE.

(i) Any additional provision concerning the powers or duties of a zoning board or zoning commission that the ~~zoning act specified pursuant to subdivision (h)~~ MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO 125.3702, authorizes to be set forth in a zoning ordinance and that is agreed to by the participating municipalities.

(J) THE EFFECTIVE DATE OF THE AGREEMENT.

(2) THE AGREEMENT MAY PROVIDE FOR THE PHASED TRANSFER TO THE JOINT PLANNING COMMISSION OF THE POWERS AND DUTIES OF EXISTING PLANNING COMMISSIONS OR ZONING BOARDS OR ZONING COMMISSIONS UNDER

1 **SECTION 7.**

2 Sec. 7. (1) ~~All~~**SUBJECT TO SECTION 5(1)(G) AND (2), ALL** the
3 powers and duties of a planning commission under ~~each~~**THE MICHIGAN**
4 **planning ENABLING act, 2008 PA 33, MCL 125.3801 TO 125.3885, are,**
5 with respect to the jurisdictional area of the joint planning
6 commission, transferred to the joint planning commission. ~~In~~
7 ~~exercising such powers or performing such duties, the joint~~
8 ~~planning commission shall follow the procedure provided under the~~
9 ~~planning act specified pursuant to section 5(g).~~

10 (2) ~~All~~**SUBJECT TO SECTION 5(2), ALL** the powers and duties of
11 a zoning board or zoning commission under ~~each zoning act~~**THE**
12 **MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO**
13 **125.3702, are, with respect to the jurisdictional area of the joint**
14 **planning commission, transferred to the joint planning commission.**
15 In exercising such powers or performing such duties, the joint
16 planning commission shall follow the procedure ~~provided under the~~
17 ~~zoning act~~ specified pursuant to section 5(h), **WHEN RELEVANT.**

18 (3) If only part of the territory of a participating
19 municipality is in the jurisdictional area of a joint planning
20 commission, the participating municipality, with the joint planning
21 commission acting as the zoning board or zoning commission, may
22 adopt a zoning ordinance that affects only that portion of its
23 territory in the jurisdictional area of the joint planning
24 commission.

25 (4) **THE PARTICIPATING MUNICIPALITIES, WITH THE JOINT PLANNING**
26 **COMMISSION ACTING AS THE ZONING COMMISSION, MAY EACH ADOPT A JOINT**
27 **ZONING ORDINANCE THAT AFFECTS THE JURISDICTIONAL AREA OF THE JOINT**

1 PLANNING COMMISSION AND PROVIDES FOR THE JOINT ADMINISTRATION OF
2 THE JOINT ZONING ORDINANCE, INCLUDING, BUT NOT LIMITED TO, A JOINT
3 ZONING BOARD OF APPEALS.